

SPECIAL SESSION RUSH COUNTY BOARD OF COMMISSIONERS DECEMBER 28, 2010

The Rush County Board of Commissioners met in special session, Tuesday, December 28, 2010 in the assembly room of the Rush County Courthouse with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Tom Barnes called the meeting to order at 5:30 p.m. Barnes informed those in attendance that he personally had invited Rushville City Mayor Merv Bostic. Barnes reported that Mayor Bostic informed him that he would attend the meeting and that he would notify all of the city council members of the meeting. Auditor Deborah Adams reported that she had sent e-mail notification of the special meeting to the media along with including Mayor Bostic, Clerk Treasurer Ann Copley, County Commissioner's, County Councilmen, County Attorney Leigh Morning, and Area Plan Director Bill Todd.

Barnes announced that the purpose for the special meeting was for those with concerns regarding the Park Restaurant and were unable to attend a day meeting. Barnes noted that there would be no other business discussed during the special meeting.

It was noted that Mayor Bostic was not in attendance. Cindy Humphrey was the only Rushville City council member in attendance of the meeting.

Barnes outlined the courtesy rules asking individuals speaking to provide their names, and addresses and to limit their speaking to three (3) minutes. Barnes informed the audience that another meeting was scheduled for the room that evening at 7:00p.m.

Barnes stated that the commissioners have no jurisdiction over the city zoning ordinances and that this was a City and Board of Public Works matter to resolve. Barnes provided background information of the various boards and individuals invited and how they intertwine.

- City of Rushville utilizes Rush County Area Plan Executive Director Bill Todd to interpret and administer the City of Rushville Zoning Ordinance Book
- Area Plan Director Bill Todd is a County employee who also works with the City of Rushville.
- Bill Todd works for the whole county and is appointed by the Area Plan Commission and is not hired by the Commissioners.
- The county commissioners serve on the Drainage Board. Barnes pointed out that he personally saw nothing wrong with the City appointing an individual to the Drainage Board.
- There are open drains within the City of Rushville – Hodges Branch, and the Big Flatrock River

- The City, County, Surveyor and Area Plan must all work with the DNR (Department of Natural Resources)
- The Mayor appoints the members to the Board of Public Works who approves the City contracts of which the Mayor of Rushville signs.

Barnes finished by saying that the background of the whole situation is bigger than all of them combined.

COMMENTS/QUESTIONS/ANSWERS

DARLENE SULLIVAN – Greensburg – Asked the commissioners who was ultimately responsible for the approval of the contracts. Tom Barnes informed Sullivan that the Mayor appoints the members to the Board of Public Works. The Mayor signs the contracts once approved by the Board of Public Works.

WHITNEY BOYER – City of Rushville – Shared concerns of the past history of vehicle traffic and parking along the Park Restaurant. Boyer explained how the traffic and parking has intensified over the years since the last building improvements/additions. Boyer stressed that this has caused traffic and lifestyle problems for residents living in the Park Restaurant area. Boyer referred to a petition and grievances provided to the City of Rushville. Boyer proceeded to address the Park Restaurant being located in the area of a flood zone.

Boyer outlined seven (7) zoning issues that were addressed by her attorney Scott Treadway. Boyer noted that the restaurant being listed in a flood plain was not listed as one of the seven zoning issues. Boyer asked if the work on the restaurant was stopped because of the floodplain issue. Todd stated that he did not care to answer Boyer's concerns.

DARLENE SULLIVAN – Greensburg – Had a question for Todd. Todd spoke that he had been advised to not answer any questions.

BILL TODD - confirmed that he is a county employee and is hired by the Area Plan Commission. The City of Rushville along with the County both has a representative on this board.

Todd explained that the history of the Area Plan Commission goes back to 1973. The Area Plan Director serves all four (4) Government entities (Glenwood, Carthage, City of Rushville, and Rush County).

The City of Rushville (corporate boundaries of Rushville) adopted their own zoning ordinance book. Todd is to interpret and administer the zoning ordinances within the book.

The Town of Carthage, Town of Glenwood and Rush County all follow the zoning ordinance book adopted by Rush County. Todd explained that this is a separate zoning book from the City of Rushville. Again, Todd explained that he is to interpret and to administer the zoning ordinances as according to their designated area.

JACK BREES – Milroy – Questioned Todd regarding who has the final authority regarding the assessment of fines. Todd informed Breese that the Executive Director has the authority to assess the fines. Todd continued by saying that the property owner could appeal the decision of the Executive Director to the BZA and then to the court of record regarding the fine.

PAT BOYER – City of Rushville – Commented in frustration that he has lived in Rush County all of his life and he believes that the buddy system is in place and that is why the permit for the reconstruction of the Park Restaurant was issued.

WHITNEY BOYER – City of Rushville – Boyer shared several frustrations, one being that, “Larry is living off the City on a buck”.

Tom Barnes asked Boyer if she had attended any previous Board of Public Works meetings to address her comments that she has shared tonight. Boyer answered that she had not.

Barnes again informed Boyer that this was not a county issue, this was a city zoning issue and she needed to take the city zoning issues to the BZA (Board Zoning Appeals) to be addressed.

Boyer asked the commissioners to at least acknowledge receiving the letter from her attorney outlining the seven (7) zoning issues. Barnes did confirm receiving a letter. Barnes informed Boyer that the commissioners did acknowledge and allowed Boyer’s request to vent her frustrations, but, she also needs to acknowledge that she must do her share.

CHARLOTTE SIPPLE – City of Rushville – stated that she is also the Aunt of Larry Conover did confirm that the annual rent of the Park Restaurant is \$1.00. Sipple provided history, saying that every person prior to Larry and his mother had to pay \$1.00. They also had to pay personally out of their own pockets for any repairs or improvements to the building.

COMMISSIONER KEN MASTERS – Masters shared his hopes that this could have been resolved six (6) months ago when the Commissioners, City Leaders, Surveyor, Area Plan Director along with Senator Jean Leising met with DNR regarding the flood plain. Masters noted that now everything has gone south and his concerns are what will become of an empty partially built building.

COMMISSIONER TOM BARNES – Barnes explained that the commissioners did have a DNR (Dept. Natural Resources) engineer come to Rushville. Bill Todd did receive a release from the DNR to continue with the reconstruction and it has been filed at Indianapolis and now it no longer seems necessary. Barnes concluded, “It is my opinion that the City Zoning Ordinance did not work”.

CHARLOTTE SIPPLE – Sipple questioned if the Park Restaurant can be rezoned. Barnes referred Sipple to the Board of Public Works for that answer.

Motion to adjourn was received from Marvin Cole. Ken Masters seconded the motion. Motion carried.

/s/Tom Barnes
Tom Barnes, Chairman

/s/Marvin Cole
Marvin Cole

/s/Ken Masters
Ken Masters

ATTEST:

/s/Deborah C. Adams
Deborah C. Adams, Auditor